

**House File 2335 - Introduced**

HOUSE FILE 2335

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 5119HB)

(SUCCESSOR TO LSB 5119HA)

**A BILL FOR**

- 1 An Act relating to appropriations to the justice system, and
- 2 providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. 2011 Iowa Acts, chapter 134, section 30, is  
2 amended to read as follows:

3 SEC. 30. DEPARTMENT OF JUSTICE.

4 1. There is appropriated from the general fund of the state  
5 to the department of justice for the fiscal year beginning July  
6 1, 2012, and ending June 30, 2013, the following amounts, or  
7 so much thereof as is necessary, to be used for the purposes  
8 designated:

9 a. For the general office of attorney general for salaries,  
10 support, maintenance, and miscellaneous purposes, including  
11 the prosecuting attorneys training program, matching funds  
12 for federal violence against women grant programs, victim  
13 assistance grants, office of drug control policy prosecuting  
14 attorney program, and odometer fraud enforcement, and for not  
15 more than the following full-time equivalent positions:

16 .....	\$	<del>3,896,465</del>
17 .....		<u>7,013,637</u>
18 .....	FTEs	212.00

19 It is the intent of the general assembly that as a condition  
20 of receiving the appropriation provided in this lettered  
21 paragraph, the department of justice shall maintain a record  
22 of the estimated time incurred representing each agency or  
23 department.

24 b. For victim assistance grants:

25 .....	\$	<del>1,438,200</del>
26 .....		<u>2,590,502</u>

27 The funds appropriated in this lettered paragraph shall be  
28 used to provide grants to care providers providing services to  
29 crime victims of domestic abuse or to crime victims of rape and  
30 sexual assault.

31 The balance of the victim compensation fund established in  
32 section 915.94 may be used to provide salary and support of not  
33 more than 24 FTEs and to provide maintenance for the victim  
34 compensation functions of the department of justice.

35 The department of justice shall transfer at least \$150,000

1 from the victim compensation fund established in section 915.94  
2 to the victim assistance grant program.

3 c. For legal services for persons in poverty grants as  
4 provided in section 13.34:

5 .....	\$	907,416
6		<u>1,633,348</u>

7 2. a. The department of justice, in submitting budget  
8 estimates for the fiscal year commencing July 1, 2013, pursuant  
9 to section 8.23, shall include a report of funding from sources  
10 other than amounts appropriated directly from the general fund  
11 of the state to the department of justice or to the office of  
12 consumer advocate. These funding sources shall include but  
13 are not limited to reimbursements from other state agencies,  
14 commissions, boards, or similar entities, and reimbursements  
15 from special funds or internal accounts within the department  
16 of justice. The department of justice shall also report actual  
17 reimbursements for the fiscal year commencing July 1, 2011,  
18 and actual and expected reimbursements for the fiscal year  
19 commencing July 1, 2012.

20 b. The department of justice shall include the report  
21 required under paragraph "a", as well as information regarding  
22 any revisions occurring as a result of reimbursements actually  
23 received or expected at a later date, in a report to the  
24 co-chairpersons and ranking members of the joint appropriations  
25 subcommittee on the justice system and the legislative services  
26 agency. The department of justice shall submit the report on  
27 or before January 15, 2013.

28 Sec. 2. 2011 Iowa Acts, chapter 134, section 31, is amended  
29 to read as follows:

30 SEC. 31. OFFICE OF CONSUMER ADVOCATE. There is appropriated  
31 from the department of commerce revolving fund created in  
32 section 546.12 to the office of consumer advocate of the  
33 department of justice for the fiscal year beginning July 1,  
34 2012, and ending June 30, 2013, the following amount, or so  
35 much thereof as is necessary, to be used for the purposes

1 designated:

2 For salaries, support, maintenance, miscellaneous purposes,  
3 and for not more than the following full-time equivalent  
4 positions:

5 .....	\$	<del>1,568,082</del>
6 .....		<u>3,136,163</u>
7 .....	FTEs	22.00

8 Sec. 3. 2011 Iowa Acts, chapter 134, section 32, is amended  
9 to read as follows:

10 SEC. 32. DEPARTMENT OF CORRECTIONS — FACILITIES.

11 1. There is appropriated from the general fund of the  
12 state to the department of corrections for the fiscal year  
13 beginning July 1, 2012, and ending June 30, 2013, the following  
14 amounts, or so much thereof as is necessary, to be used for the  
15 operation of adult correctional institutions, reimbursement  
16 of counties for certain confinement costs, and federal prison  
17 reimbursement, to be allocated as follows:

18 a. For the operation of the Fort Madison correctional  
19 facility, including salaries, support, maintenance, and  
20 miscellaneous purposes:

21 .....	\$	<del>20,515,641</del>
22 .....		<u>40,859,943</u>

23 b. For the operation of the Anamosa correctional facility,  
24 including salaries, support, maintenance, and miscellaneous  
25 purposes:

26 .....	\$	<del>15,992,987</del>
27 .....		<u>31,985,974</u>

28 c. For the operation of the Oakdale correctional facility,  
29 including salaries, support, maintenance, and miscellaneous  
30 purposes:

31 .....	\$	<del>27,797,213</del>
32 .....		<u>55,717,933</u>

33 d. For the operation of the Newton correctional facility,  
34 including salaries, support, maintenance, and miscellaneous  
35 purposes:

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1 ..... \$ ~~12,979,379~~  
2 25,958,757

3 e. For the operation of the Mt. Pleasant correctional  
4 facility, including salaries, support, maintenance, and  
5 miscellaneous purposes:  
6 ..... \$ ~~12,958,908~~  
7 25,917,815

8 f. For the operation of the Rockwell City correctional  
9 facility, including salaries, support, maintenance, and  
10 miscellaneous purposes:  
11 ..... \$ ~~4,658,233~~  
12 9,316,466

13 g. For the operation of the Clarinda correctional facility,  
14 including salaries, support, maintenance, and miscellaneous  
15 purposes:  
16 ..... \$ ~~12,241,178~~  
17 24,477,653

18 Moneys received by the department of corrections as  
19 reimbursement for services provided to the Clarinda youth  
20 corporation are appropriated to the department and shall be  
21 used for the purpose of operating the Clarinda correctional  
22 facility.

23 h. For the operation of the Mitchellville correctional  
24 facility, including salaries, support, maintenance, and  
25 miscellaneous purposes:  
26 ..... \$ ~~7,807,687~~  
27 15,615,374

28 i. For the operation of the Fort Dodge correctional  
29 facility, including salaries, support, maintenance, and  
30 miscellaneous purposes:  
31 ..... \$ ~~14,531,118~~  
32 29,062,235

33 j. For reimbursement of counties for temporary confinement  
34 of work release and parole violators, as provided in sections  
35 901.7, 904.908, and 906.17, and for offenders confined pursuant

1 to section 904.513:

2	.....	\$	387,546
3			<u>775,092</u>

4 k. For federal prison reimbursement, reimbursements for  
5 out-of-state placements, and miscellaneous contracts:

6	.....	\$	119,706
7			<u>239,411</u>

8 ~~1. For three correctional officer full-time equivalent~~  
9 ~~positions that are to be assigned to a correctional institution~~  
10 ~~by the director of the department of corrections:~~

11	.....	\$	<del>78,581</del>
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12 2. The department of corrections shall use moneys  
13 appropriated in subsection 1 to continue to contract for the  
14 services of a Muslim imam and a Native American spiritual  
15 leader.

16 Sec. 4. 2011 Iowa Acts, chapter 134, section 33, is amended  
17 to read as follows:

18 SEC. 33. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

19 There is appropriated from the general fund of the state to the  
20 department of corrections for the fiscal year beginning July  
21 1, 2012, and ending June 30, 2013, the following amounts, or  
22 so much thereof as is necessary, to be used for the purposes  
23 designated:

24 1. For general administration, including salaries, support,  
25 maintenance, employment of an education director to administer  
26 a centralized education program for the correctional system,  
27 and miscellaneous purposes:

28	.....	\$	2,417,771
29			<u>4,835,542</u>

30 b. It is the intent of the general assembly that each  
31 lease negotiated by the department of corrections with a  
32 private corporation for the purpose of providing private  
33 industry employment of inmates in a correctional institution  
34 shall prohibit the private corporation from utilizing inmate  
35 labor for partisan political purposes for any person seeking

1 election to public office in this state and that a violation  
2 of this requirement shall result in a termination of the lease  
3 agreement.

4 c. It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in this  
6 subsection the department of corrections shall not enter into  
7 a lease or contractual agreement pursuant to section 904.809  
8 with a private corporation for the use of building space for  
9 the purpose of providing inmate employment without providing  
10 that the terms of the lease or contract establish safeguards to  
11 restrict, to the greatest extent feasible, access by inmates  
12 working for the private corporation to personal identifying  
13 information of citizens.

14 2. For educational programs for inmates at state penal  
15 institutions:

16 .....	\$	<del>1,154,055</del>
17		<u>2,308,109</u>

18 b. It is the intent of the general assembly that moneys  
19 appropriated in this subsection shall be used solely for the  
20 purpose indicated and that the moneys shall not be transferred  
21 for any other purpose. In addition, it is the intent of the  
22 general assembly that the department shall consult with the  
23 community colleges in the areas in which the institutions are  
24 located to utilize moneys appropriated in this subsection  
25 to fund the high school completion, high school equivalency  
26 diploma, adult literacy, and adult basic education programs in  
27 a manner so as to maintain these programs at the institutions.

28 c. To maximize the funding for educational programs,  
29 the department shall establish guidelines and procedures to  
30 prioritize the availability of educational and vocational  
31 training for inmates based upon the goal of facilitating an  
32 inmate's successful release from the correctional institution.

33 d. The director of the department of corrections may  
34 transfer moneys from Iowa prison industries and the canteen  
35 operating funds established pursuant to section 904.310, for

1 use in educational programs for inmates.

2 e. Notwithstanding section 8.33, moneys appropriated in  
3 this subsection that remain unobligated or unexpended at the  
4 close of the fiscal year shall not revert but shall remain  
5 available to be used only for the purposes designated in this  
6 subsection until the close of the succeeding fiscal year.

7 3. For the development of the Iowa corrections offender  
8 network (ICON) data system:

9 .....	\$	<del>212,182</del>
10		<u>424,364</u>

11 4. For offender mental health and substance abuse  
12 treatment:

13 .....	\$	<del>11,160</del>
14		<u>22,319</u>

15 5. For viral hepatitis prevention and treatment:

16 .....	\$	<del>83,941</del>
17		<u>167,881</u>

18 6. It is the intent of the general assembly that for  
19 the fiscal year addressed by this section the department of  
20 corrections shall continue to operate the correctional farms  
21 under the control of the department at the same or greater  
22 level of participation and involvement as existed as of January  
23 1, 2011; shall not enter into any rental agreement or contract  
24 concerning any farmland under the control of the department  
25 that is not subject to a rental agreement or contract as of  
26 January 1, 2011, without prior legislative approval; and  
27 shall further attempt to provide job opportunities at the  
28 farms for inmates. The department shall attempt to provide  
29 job opportunities at the farms for inmates by encouraging  
30 labor-intensive farming or gardening where appropriate; using  
31 inmates to grow produce and meat for institutional consumption;  
32 researching the possibility of instituting food canning  
33 and cook-and-chill operations; and exploring opportunities  
34 for organic farming and gardening, livestock ventures,  
35 horticulture, and specialized crops.

1 ~~7. The department of corrections shall solicit requests for~~  
2 ~~information to improve efficiencies at the pharmacy under the~~  
3 ~~control of the department.~~

4 Sec. 5. 2011 Iowa Acts, chapter 134, section 34, is amended  
5 to read as follows:

6 SEC. 34. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
7 SERVICES.

8 1. There is appropriated from the general fund of the state  
9 to the department of corrections for the fiscal year beginning  
10 July 1, 2012, and ending June 30, 2013, for salaries, support,  
11 maintenance, and miscellaneous purposes, the following amounts,  
12 or so much thereof as is necessary, to be allocated as follows:

13 a. For the first judicial district department of  
14 correctional services:  
15 ..... \$ ~~6,102,474~~  
16 12,204,948

17 b. For the second judicial district department of  
18 correctional services:  
19 ..... \$ ~~5,168,474~~  
20 10,336,948

21 c. For the third judicial district department of  
22 correctional services:  
23 ..... \$ ~~2,799,883~~  
24 5,599,765

25 d. For the fourth judicial district department of  
26 correctional services:  
27 ..... \$ ~~2,695,678~~  
28 5,391,355

29 e. For the fifth judicial district department of  
30 correctional services, including funding for electronic  
31 monitoring devices for use on a statewide basis:  
32 ..... \$ ~~9,371,065~~  
33 18,742,129

34 f. For the sixth judicial district department of  
35 correctional services:

1	.....	\$	<del>6,556,282</del>
2			<u>13,112,563</u>
3	g. For the seventh judicial district department of		
4	correctional services:		
5	.....	\$	<del>3,246,407</del>
6			<u>6,492,814</u>
7	h. For the eighth judicial district department of		
8	correctional services:		
9	.....	\$	<del>3,439,858</del>
10			<u>6,879,715</u>

11 2. Each judicial district department of correctional  
12 services, within the funding available, shall continue programs  
13 and plans established within that district to provide for  
14 intensive supervision, sex offender treatment, diversion of  
15 low-risk offenders to the least restrictive sanction available,  
16 job development, and expanded use of intermediate criminal  
17 sanctions.

18 3. Each judicial district department of correctional  
19 services shall provide alternatives to prison consistent with  
20 chapter 901B. The alternatives to prison shall ensure public  
21 safety while providing maximum rehabilitation to the offender.  
22 A judicial district department of correctional services may  
23 also establish a day program.

24 4. The governor's office of drug control policy or any  
25 succeeding entity of the governor's office of drug control  
26 policy shall consider federal grants made to the department  
27 of corrections for the benefit of each of the eight judicial  
28 district departments of correctional services as local  
29 government grants, as defined pursuant to federal regulations.

30 5. The department of corrections shall continue to contract  
31 with a judicial district department of correctional services to  
32 provide for the rental of electronic monitoring equipment which  
33 shall be available statewide.

34 Sec. 6. 2011 Iowa Acts, chapter 134, section 39, is amended  
35 to read as follows:

1 SEC. 39. IOWA LAW ENFORCEMENT ACADEMY.

2 1. There is appropriated from the general fund of the  
3 state to the Iowa law enforcement academy for the fiscal year  
4 beginning July 1, 2012, and ending June 30, 2013, the following  
5 amount, or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes,  
8 including jailer training and technical assistance, and for not  
9 more than the following full-time equivalent positions:

10 .....	\$	<del>434,349</del>
11 .....		<u>868,698</u>
12 .....	FTEs	24.55
13 .....		<u>25.50</u>

14 It is the intent of the general assembly that the Iowa law  
15 enforcement academy may provide training of state and local  
16 law enforcement personnel concerning the recognition of and  
17 response to persons with Alzheimer's disease.

18 The Iowa law enforcement academy may temporarily exceed and  
19 draw more than the amount appropriated in this subsection and  
20 incur a negative cash balance as long as there are receivables  
21 equal to or greater than the negative balance and the amount  
22 appropriated in this subsection is not exceeded at the close  
23 of the fiscal year.

24 2. The Iowa law enforcement academy may select at least  
25 five automobiles of the department of public safety, division  
26 of state patrol, prior to turning over the automobiles to  
27 the department of administrative services to be disposed  
28 of by public auction, and the Iowa law enforcement academy  
29 may exchange any automobile owned by the academy for each  
30 automobile selected if the selected automobile is used in  
31 training law enforcement officers at the academy. However, any  
32 automobile exchanged by the academy shall be substituted for  
33 the selected vehicle of the department of public safety and  
34 sold by public auction with the receipts being deposited in the  
35 depreciation fund to the credit of the department of public

1 safety, division of state patrol.

2 Sec. 7. 2011 Iowa Acts, chapter 134, section 40, is amended  
3 to read as follows:

4 SEC. 40. STATE PUBLIC DEFENDER. There is appropriated from  
5 the general fund of the state to the office of the state public  
6 defender of the department of inspections and appeals for the  
7 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
8 the following amounts, or so much thereof as is necessary, to  
9 be allocated as follows for the purposes designated:

10 1. For salaries, support, maintenance, miscellaneous  
11 purposes, and for not more than the following full-time  
12 equivalent positions:

13 .....	\$ 12,541,591
14 .....	<u>25,862,182</u>
15 .....	FTEs 219.00

16 2. ~~For the fees of court-appointed attorneys for indigent~~  
17 payments on behalf of eligible adults and juveniles from the  
18 indigent defense fund, in accordance with section ~~232.141~~ and  
19 ~~chapter 815 815.11~~:

20 .....	\$ 15,340,464
21 .....	<u>29,901,929</u>

22 Sec. 8. 2011 Iowa Acts, chapter 134, section 41, is amended  
23 to read as follows:

24 SEC. 41. BOARD OF PAROLE. There is appropriated from the  
25 general fund of the state to the board of parole for the fiscal  
26 year beginning July 1, 2012, and ending June 30, 2013, the  
27 following amount, or so much thereof as is necessary, to be  
28 used for the purposes designated:

29 For salaries, support, maintenance, miscellaneous purposes,  
30 and for not more than the following full-time equivalent  
31 positions:

32 .....	\$ 526,918
33 .....	<u>1,053,835</u>
34 .....	FTEs 12.50
35 .....	<u>13.00</u>

1 Sec. 9. 2011 Iowa Acts, chapter 134, section 42, is amended  
2 to read as follows:

3 SEC. 42. DEPARTMENT OF PUBLIC DEFENSE. There is  
4 appropriated from the general fund of the state to the  
5 department of public defense for the fiscal year beginning July  
6 1, 2012, and ending June 30, 2013, the following amounts, or  
7 so much thereof as is necessary, to be used for the purposes  
8 designated:

9 1. MILITARY DIVISION

10 For salaries, support, maintenance, miscellaneous purposes,  
11 and for not more than the following full-time equivalent  
12 positions:

13 .....	\$	<del>2,763,521</del>
14 .....		<u>5,527,042</u>
15 .....	FTEs	<del>313.00</del>
16 .....		<u>309.21</u>

17 The military division may temporarily exceed and draw more  
18 than the amount appropriated in this subsection and incur a  
19 negative cash balance as long as there are receivables of  
20 federal funds equal to or greater than the negative balance and  
21 the amount appropriated in this subsection is not exceeded at  
22 the close of the fiscal year.

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,  
25 and for not more than the following full-time equivalent  
26 positions:

27 .....	\$	<del>918,439</del>
28 .....		<u>1,836,877</u>
29 .....	FTEs	<del>40.00</del>
30 .....		<u>35.34</u>

31 a. The homeland security and emergency management  
32 division may temporarily exceed and draw more than the amount  
33 appropriated in this subsection and incur a negative cash  
34 balance as long as there are receivables of federal funds  
35 equal to or greater than the negative balance and the amount

1 appropriated in this subsection is not exceeded at the close  
2 of the fiscal year.

3 b. It is the intent of the general assembly that the  
4 homeland security and emergency management division work in  
5 conjunction with the department of public safety, to the extent  
6 possible, when gathering and analyzing information related  
7 to potential domestic or foreign security threats, and when  
8 monitoring such threats.

9 Sec. 10. 2011 Iowa Acts, chapter 134, section 43, is amended  
10 to read as follows:

11 SEC. 43. DEPARTMENT OF PUBLIC SAFETY. There is appropriated  
12 from the general fund of the state to the department of public  
13 safety for the fiscal year beginning July 1, 2012, and ending  
14 June 30, 2013, the following amounts, or so much thereof as is  
15 necessary, to be used for the purposes designated:

16 1. For the department's administrative functions, including  
17 the criminal justice information system, and for not more than  
18 the following full-time equivalent positions:

19 .....	\$	<del>2,003,538</del>
20		<u>4,007,075</u>
21 .....	FTEs	36.00

22 2. For the division of criminal investigation, including  
23 the state's contribution to the peace officers' retirement,  
24 accident, and disability system provided in chapter 97A in the  
25 amount of the state's normal contribution rate, as defined in  
26 section 97A.8, multiplied by the salaries for which the funds  
27 are appropriated, to meet federal fund matching requirements,  
28 and for not more than the following full-time equivalent  
29 positions:

30 .....	\$	<del>6,266,966</del>
31		<u>12,533,931</u>
32 .....	FTEs	<del>159.10</del>
33		<u>155.10</u>

34 The department shall employ one additional special agent and  
35 one additional criminalist for the purpose of investigating

1 cold cases. Prior to employing the additional special agent  
2 and criminalist authorized in this paragraph, the department  
3 shall provide a written statement to prospective employees that  
4 states to the effect that the positions are being funded by a  
5 temporary federal grant and there are no assurances that funds  
6 from other sources will be available after the federal funding  
7 expires. If the federal funding for the additional positions  
8 expires during the fiscal year, the number of full-time  
9 equivalent positions authorized in this subsection is reduced  
10 by 2.00 FTEs.

11 3. For the criminalistics laboratory fund created in  
12 section 691.9:

13 ..... \$ 151,173  
14 302,345

15 4. a. For the division of narcotics enforcement, including  
16 the state's contribution to the peace officers' retirement,  
17 accident, and disability system provided in chapter 97A in the  
18 amount of the state's normal contribution rate, as defined in  
19 section 97A.8, multiplied by the salaries for which the funds  
20 are appropriated, to meet federal fund matching requirements,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 3,214,942  
24 6,429,884  
25 ..... FTEs 74.00  
26 69.00

27 b. For the division of narcotics enforcement for undercover  
28 purchases:

29 ..... \$ 54,521  
30 109,042

31 5. For the division of state fire marshal, for fire  
32 protection services as provided through the state fire service  
33 and emergency response council as created in the department,  
34 and for the state's contribution to the peace officers'  
35 retirement, accident, and disability system provided in chapter

1 97A in the amount of the state's normal contribution rate, as  
2 defined in section 97A.8, multiplied by the salaries for which  
3 the funds are appropriated, and for not more than the following  
4 full-time equivalent positions:

5 .....	\$	<del>2,149,354</del>
6		<u>4,298,707</u>
7 .....	FTEs	<del>55.00</del>
8		<u>54.00</u>

9 6. For the division of state patrol, for salaries, support,  
10 maintenance, workers' compensation costs, and miscellaneous  
11 purposes, including the state's contribution to the peace  
12 officers' retirement, accident, and disability system provided  
13 in chapter 97A in the amount of the state's normal contribution  
14 rate, as defined in section 97A.8, multiplied by the salaries  
15 for which the funds are appropriated, and for not more than the  
16 following full-time equivalent positions:

17 .....	\$	<del>25,951,617</del>
18		<u>51,903,233</u>
19 .....	FTEs	<del>513.00</del>
20		<u>498.05</u>

21 It is the intent of the general assembly that members of the  
22 state patrol be assigned to patrol the highways and roads in  
23 lieu of assignments for inspecting school buses for the school  
24 districts.

25 7. For deposit in the sick leave benefits fund established  
26 under section 80.42 for all departmental employees eligible to  
27 receive benefits for accrued sick leave under the collective  
28 bargaining agreement:

29 .....	\$	<del>139,759</del>
30		<u>279,517</u>

31 8. For costs associated with the training and equipment  
32 needs of volunteer fire fighters:

33 .....	\$	<del>362,760</del>
34		<u>725,520</u>

35 a. Notwithstanding section 8.33, moneys appropriated in

1 this subsection that remain unencumbered or unobligated at the  
2 close of the fiscal year shall not revert but shall remain  
3 available for expenditure only for the purpose designated in  
4 this subsection until the close of the succeeding fiscal year.

5 b. Notwithstanding section 8.39, within the moneys  
6 appropriated in this section, the department of public safety  
7 may reallocate moneys as necessary to best fulfill the needs  
8 provided for in the appropriation. However, the department  
9 shall not reallocate an appropriation made to the department  
10 in this section unless notice of the reallocation is given  
11 to the legislative services agency and the department of  
12 management prior to the effective date of the reallocation.  
13 The notice shall include information regarding the rationale  
14 for reallocating the appropriation. The department shall  
15 not reallocate an appropriation made in this section for the  
16 purpose of eliminating any program.

17 Sec. 11. 2011 Iowa Acts, chapter 134, section 44, is amended  
18 to read as follows:

19 SEC. 44. GAMING ENFORCEMENT.

20 1. There is appropriated from the gaming enforcement  
21 revolving fund created in section 80.43 to the department of  
22 public safety for the fiscal year beginning July 1, 2012, and  
23 ending June 30, 2013, the following amount, or so much thereof  
24 as is necessary, to be used for the purposes designated:

25 For any direct and indirect support costs for agents  
26 and officers of the division of criminal investigation's  
27 excursion gambling boat, gambling structure, and racetrack  
28 enclosure enforcement activities, including salaries, support,  
29 maintenance, miscellaneous purposes, and for not more than the  
30 following full-time equivalent positions:

31 .....	\$	<del>4,918,153</del>
32 .....		<u>10,335,709</u>
33 .....	FTEs	<del>120.00</del>
34 .....		<u>115.00</u>

35 2. For each additional license to conduct gambling games on

1 an excursion gambling boat, gambling structure, or racetrack  
2 enclosure issued during the fiscal year beginning July 1, 2012,  
3 there is appropriated from the gaming enforcement fund to the  
4 department of public safety for the fiscal year beginning July  
5 1, 2012, and ending June 30, 2013, an additional amount of not  
6 more than \$521,000 to be used for not more than 6.00 additional  
7 full-time equivalent positions.

8 3. The department of public safety, with the approval  
9 of the department of management, may employ no more than two  
10 special agents and four gaming enforcement officers for each  
11 additional riverboat or gambling structure regulated after July  
12 1, 2012, and one special agent for each racing facility which  
13 becomes operational during the fiscal year which begins July 1,  
14 2012. One additional gaming enforcement officer, up to a total  
15 of four per riverboat or gambling structure, may be employed  
16 for each riverboat or gambling structure that has extended  
17 operations to 24 hours and has not previously operated with a  
18 24-hour schedule. Positions authorized in this subsection are  
19 in addition to the full-time equivalent positions otherwise  
20 authorized in this section.

21 Sec. 12. 2011 Iowa Acts, chapter 134, section 45, is amended  
22 to read as follows:

23 SEC. 45. CIVIL RIGHTS COMMISSION. There is appropriated  
24 from the general fund of the state to the Iowa state civil  
25 rights commission for the fiscal year beginning July 1,  
26 2012, and ending June 30, 2013, the following amount, or so  
27 much thereof as is necessary, to be used for the purposes  
28 designated:

29 For salaries, support, maintenance, miscellaneous purposes,  
30 and for not more than the following full-time equivalent  
31 positions:

32 .....	\$	648,535
33 .....		<u>1,167,362</u>
34 .....	FTEs	28.00

35 The Iowa state civil rights commission may enter into

1 a contract with a nonprofit organization to provide legal  
2 assistance to resolve civil rights complaints.

3 Sec. 13. Section 80.43, subsection 1, Code 2011, is amended  
4 to read as follows:

5 1. A gaming enforcement revolving fund is created in the  
6 state treasury under the control of the department. The fund  
7 shall consist of fees collected and deposited into the fund  
8 paid by licensees pursuant to section 99D.14, subsection 2,  
9 paragraph "b", and fees paid by licensees pursuant to section  
10 99F.10, subsection 4, paragraph "b". All costs for agents and  
11 officers plus any direct ~~and indirect~~ support costs for such  
12 agents and officers of the division of criminal investigation's  
13 racetrack, excursion boat, or gambling structure enforcement  
14 activities shall be paid from the fund as provided in  
15 appropriations made for this purpose by the general assembly.

16 Sec. 14. Section 99D.14, subsection 2, paragraph b, Code  
17 Supplement 2011, is amended to read as follows:

18 b. Notwithstanding sections 8.60 and 99D.17, the portion of  
19 the fee paid pursuant to paragraph "a" relating to the costs  
20 of special agents plus any direct and indirect support costs  
21 for the agents, for the division of criminal investigation's  
22 racetrack activities, ~~shall not be deposited in the general~~  
23 ~~fund of the state but instead~~ shall be deposited into the  
24 gaming enforcement revolving fund established in section 80.43.  
25 However, the department of public safety shall transfer, on an  
26 annual basis, the portion of the regulatory fee attributable to  
27 the indirect support costs of the special agents to the general  
28 fund of the state.

29 Sec. 15. Section 99F.10, subsection 4, paragraph b, Code  
30 Supplement 2011, is amended to read as follows:

31 b. Notwithstanding sections 8.60 and 99F.4, the portion of  
32 the fee paid pursuant to paragraph "a" relating to the costs  
33 of special agents and officers plus any direct and indirect  
34 support costs for the agents and officers, for the division of  
35 criminal investigation's excursion gambling boat or gambling

1 structure activities, ~~shall not be deposited in the general~~  
2 ~~fund of the state but instead~~ shall be deposited into the  
3 gaming enforcement revolving fund established in section 80.43.  
4 However, the department of public safety shall transfer, on an  
5 annual basis, the portion of the regulatory fee attributable  
6 to the indirect support costs of the special agents and gaming  
7 enforcement officers to the general fund of the state.

8 Sec. 16. EFFECTIVE UPON ENACTMENT. The following  
9 provisions of this Act, being deemed of immediate importance,  
10 take effect upon enactment:

11 1. The section of this Act amending section 80.43,  
12 subsection 1.

13 2. The section of this Act amending section 99D.14,  
14 subsection 2, paragraph "b".

15 3. The section of this Act amending section 99F.10,  
16 subsection 4.

17 EXPLANATION

18 This bill relates to appropriations to the justice system in  
19 2011 Iowa Acts chapter 134 (SF 510).

20 The bill relates to appropriations from the general fund  
21 of the state for fiscal year 2012-2013 to the departments  
22 of justice, corrections, public defense, and public safety,  
23 and the Iowa law enforcement academy, office of the state  
24 public defender, board of parole, and Iowa state civil rights  
25 commission.

26 The bill relates to appropriations from the department of  
27 commerce revolving fund to the office of consumer advocate of  
28 the department of justice.

29 The bill relates to appropriations from the gaming  
30 enforcement revolving fund to the department of public safety.  
31 The division also authorizes FTEs related to gaming enforcement  
32 in the fund.

33 The amendment to Code section 80.43(1) strikes a provision  
34 requiring indirect support costs for special agents and gaming  
35 enforcement officers be paid from the gaming enforcement fund

1 established in Code section 80.43.

2     The amendments to Code sections 99D.14 and 99F.10 specify  
3 that the regulatory fee paid by the gaming industry for  
4 the indirect support costs for special agents and gaming  
5 enforcement officers shall first be deposited into the gaming  
6 enforcement revolving fund established in Code section 80.43  
7 and then transferred by the department of public safety, on  
8 an annual basis, from the gaming enforcement revolving fund  
9 to the general fund of the state. Current law specifies that  
10 the portion of the regulatory fee paid by the gaming industry  
11 relating to the indirect support costs of special agents and  
12 gaming enforcement officers be deposited into the gaming  
13 enforcement revolving fund but does not require the transfer to  
14 the general fund of the state.

15     The amendments to Code sections 80.43(1), 99D.14(2)(b), and  
16 99F.10(4) take effect upon enactment.

17     Under current law and the bill, the remaining portion of  
18 the regulatory fee related to the costs of special agents and  
19 officers plus any direct support costs are deposited into the  
20 gaming enforcement revolving fund.